TOWN OF ABINGDON REGULAR COUNCIL MEETING WEDNESDAY, OCTOBER 12, 2011 – 7:30 P.M. COUNCIL CHAMBERS - MUNICIPAL BUILDING

A regular meeting of the Abingdon Town Council was held on October 12, 2011 at 7:30 p.m. in the Council chambers of the Municipal Building.

A. ROLL CALL

Members of Council Present: Edward B. Morgan, Mayor

Mrs. Cathy Lowe, Vice Mayor

Mr. Jason N. Berry

Mr. Richard E. Humphreys Mr. Robert M. Howard

Administrative/Town Staff: Gregory W. Kelly, Town Manager

Cecile M. Rosenbaum, Town Clerk Deborah Icenhour, Town Attorney

Mark Godbey, Town Treasurer/Dir. of Finance

Jim Smith, Dir. Of Wastewater Operations/Town Eng.

Garrett Jackson, Dir. Of Planning

Jim Cowart, Dir. of Econ. Dev/Grants Writer Floyd Bailey, Dir. of Information Technology

Tony Sullivan, Chief of Police

Kevin Worley, Dir. of Parks & Recreation

Kevin Costello, Dir. of Tourism

Rob Case

Visitors: Mary Anne Holbrook, Susan Howard, Izik Crispin,

Robbie Cornett, Chris Gilley, Eleanor Grasseli

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#### **B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Joetta Brown, Houston Burns, Angela Lamie, Darcee Luchini, Pamela McFadden-Mejia who are the members of the Introduction to Legal Studies class at Virginia Highlands Community

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C. APPROVAL OF MINUTES

On motion of Mr. Humphreys, seconded by Mr. Berry, the Council approved the minutes of the September 6, 2011 Work Session Agenda, the September 6, 2011 Regular

Agenda and the September 16, 2011 Joint Meeting with the Board of Supervisors as presented.

The roll call vote was as follows:

Mr. Howard Aye
Mr. Humphreys Aye
Mr. Berry Aye
Mrs. Lowe Aye
Mayor Morgan Aye

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At this time, Mayor Morgan invited Garrett Jackson, Director of Planning to comment on the Town's most recent award. Mr. Jackson confirmed that the Virginia Municipal League's Achievement Award for populations of 5,000 to 10,000 was given to the Town of Abingdon for the preservation efforts of The Muster Grounds site located on Colonial Road. Mr. Jackson noted that the award was officially presented to the town at the annual VML conference in Henrico County, Virginia and thanked the Council for their continuing support of The Muster Grounds project.

Mr. Humphreys commented that his mother, Mayor Emeritus Lois Humphreys had hoped that the town would one day receive the VML Achievement Award and was pleased to see the town honored in this category.

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Mr. Kelly commented that he would like to acknowledge two (2) town employees with the first being Kevin Worley, Director of Parks and Recreation. Mr. Kelly reported that Mr. Worley had recently completed his certification as a Parks and Recreation Professional as well having completed his requirements for the National Recreation and Park Association and the Energy Audit Institute as a Commercial Energy Efficiency Auditor. Mr. Kelly commended Mr. Worley for his achievements and thanked him for this continuing service to the town.

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Mr. Kelly informed the Council and audience that the town was losing a valuable member of our Information Technology Department, Rob Case. Mr. Kelly reported that Mr. Case had accepted a position with the Navy and would be starting his new job in Washington D.C. in a few weeks. Mr. Kelly thanked Mr. Case for his years of service to the Town, especially his contribution to the All America City awards competition.

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D. PETITIONS, PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

1. Public Hearing – Consideration of renewal of Lease with Historical Society of Washington County, Incorporated.

Ms. Icenhour reported that the Town had received a letter from Eleanor Graselli, President of the Historical Society of Washington County regarding the expiration of their lease with the Town for the former Norfolk and Western Passenger Station. Ms. Icenhour indicated that she had prepared a lease that would provide the Historical Society with a five (5) year lease with an option for a five (5) year renewal if they so desire. Ms. Icenhour noted that the town is required to hold a public hearing which had been duly advertised prior to the meeting.

Mayor Morgan declared the public hearing open and asked if anyone wished to comment.

Martha Keys, Vice President for the Historical Society read a letter they had received from a recent patron thanking them for the hospitality shown during their visit to Abingdon. Ms. Keys also reported that their visitor log showed that they had visitors from the states of Florida, Tennessee, California, Colorado, Wisconsin, South Carolina, North Carolina, Utah, Montana, Texas, Georgia and Nevada.

After hearing no further comments, Mayor Morgan declared the public hearing closed.

Councilman Humphreys remarked on the positive impact the Historical Society has on downtown Abingdon. Mr. Humphreys asked Mr. Jackson, Director of Planning to comment on the recent artifacts obtained for The Muster Grounds site.

On motion of Mr. Howard, seconded by Mr. Humphreys, the Council approved the renewal of the Lease for the Historical Society of Washington County, Virginia for the former Norfolk and Western Passenger Station for a term of five (5) years with an option to renew for an additional five (5) years and authorized the Town Manager to execute the Lease on behalf of the Town of Abingdon.

The roll call vote was as follows:

Mr. Howard Aye
Mr. Humphreys Aye
Mr. Berry Aye
Mrs. Lowe Aye
Mayor Morgan Aye

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2. Public Hearing – Consideration of application for Federal Transportation Enhancement Funds for construction of Virginia Creeper Trail Watauga Parking Lot and Facilities.

Kevin Worley, Director of Parks and Recreation reported on the town's request for enhancement funds for the Virginia Creeper Trail Watauga Parking Lot and Facilities project. Mr. Worley indicated that VDOT would be considering the town's request for enhancement funds for the project at a total projected cost of \$497,376.00. Mr. Worley noted that after other funds had been secured, the town's costs would be approximately \$34,026.00. Mr. Worley indicated that the matter was before Council for a public hearing and adoption of a resolution confirming the town's support for the request for funding.

Mayor Morgan opened the public hearing for comment and hearing none, declared the public hearing closed.

On motion of Mr. Berry, seconded by Mr. Howard, the Council affirmed their support for the request for enhancement funds for the Virginia Creeper Trail Watauga Park and Facilities project and further adopted the following Resolution as presented:

A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA SUPPORTING THE APPLICATION FOR FEDERAL ENHANCEMENTS FUNDS FOR THE VIRGINIA CREEPER TRAIL IMPROVEMENT PROJECT

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction or state / federal agency in order that the Virginia Department of Transportation establish an enhancement project in the Bristol District; and

WHEREAS, the Town of Abingdon Virginia requests the Commonwealth Transportation Board to establish a project for the improvement of The Virginia Creeper Trail; and

WHEREAS, the Town of Abingdon Virginia hereby agrees to provide a minimum 20 percent match, of the awarded enhancement funds, towards the total cost for planning and design, right of way, and construction of this project; and

WHEREAS, the Town of Abingdon Virginia hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project and will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds; and

WHEREAS, the Town of Abingdon subsequently elects to cancel this project if the Town of Abingdon Virginia hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. In addition, the Town of Abingdon Virginia also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the Town of Abingdon, Virginia does hereby support the application for federal enhancements funds for the Virginia Creeper Trail Improvement Project and authorizes the Town Manager to execute any and all documents required for the filing of this application.

The roll call vote was as follows:

| Mr. Howard | Aye |
|---------------|-----|
| Mr. Humphreys | Aye |
| Mr. Berry | Aye |
| Mrs. Lowe | Aye |
| Mayor Morgan | Aye |

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3. Public Hearing – Consideration of request for *Special Use Permit* – J.D. Morefield, representative, application for Kings Mountain Properties, requesting a Special Use Permit pursuant to Article 9, Section 9-2-4, Special Use of the Zoning Ordinance, 1103 Empire Drive, Abingdon for use of light industry within the O&I.

Mayor Morgan announced that this matter was no longer before Council for consideration as the requesting property owner contacted the town and indicated that he no longer wished to pursue the Special Use Permit at this time. Mayor Morgan noted that there were several citizens of the community that were in attendance at the meeting who wished to speak to the matter and they would be heard by Council.

- Gary Hilton who lives in Southview Estates commented that there were 143 houses in his neighborhood and he did not want to see the tax assessments be reduced because an industry would be locating in such close proximity to the area.
- Anne Gorney of 2020 Florist Avenue in Southview commented that she lives directly behind the property on Empire Drive and would be opposed to the increase in traffic congestion that the industry would generate if the special use

permit were granted. Ms. Gorney requested that the Council consider rezoning the Empire Drive property to residential.

Mayor Morgan asked Mr. Kelly to provide an update on the status of the review of Empire Drive as it relates to traffic congestion for the residents of Southview. Mr. Kelly confirmed that Empire Drive is not a part of the town's road system but the town was committed to trying to find a solution for the congestion in the area. He further advised that VDOT is currently doing a comprehensive study of Exit 19 and the Route 11 Corridor to Exit 22 and that report will likely offer the best solutions for congestion at the Empire Drive location.

Mrs. Lowe inquired about a petition that Ms. Gorney indicated that she had signed with regard to the congestion in the neighborhood. Mr. Humphreys commented that the residents could also voice their concerns to the County Board of Supervisors about the traffic congestion issue. Mr. Berry noted that the Virginia Department of Transportation had denied the request for a traffic light at the entrance to Empire Drive.

E. SECOND READINGS OF ORDINANCES - None

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F. CONSIDERATION OF ANY BIDS

1. Consideration of bids for the buildout of the town's wireless infrastructure construction and deployment.

Mr. Bailey, Director of Information Technology reported that the he had advertised for bids for the final phase of the Abingdon Mesh wireless system. Mr. Bailey indicated that the final phase will reach the area of Court Street to Exit 19 and surrounding areas. Mr. Bailey reported that he received one bid for the project from Federal Signal for the amount of \$249,900 and recommended that the Council accept the bid as presented contingent upon securing acceptable financing for the project.

On motion of Mr. Berry, seconded by Mr. Howard, the Council approved the bid from Federal Signal in the amount of \$249,900 for the expansion and/or completion of the town's wireless mesh system contingent upon securing acceptable financing for the project.

The roll call vote was as follows:

Mr. Howard Aye

Mr. Humphreys Aye

Mr. Berry Aye

Mrs. Lowe Aye

Mayor Morgan Aye

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#### G. REPORTS FROM THE TOWN MANAGER

#### 1. Consideration of increase in rates for the Coomes Recreation Center.

Kevin Worley, Director of Parks and Recreation reported that the Coomes Center had experienced a steady decline over the years in funding support from the Washington County Board of Supervisors. Mr. Worley commented that the decline in financial support combined with the increases in maintaining the facility required him to review the current rates that non-county residents were paying for use of the Coomes Center. Mr. Worley noted that he had prepared a new rate schedule for Council's review and consideration and the increase for non-town residents amounted to an approximate increase of 25%. Mr. Worley further noted that the Coomes Center had not increased membership for over seven (7) years.

On motion of Mrs. Lowe, seconded by Mr. Berry, the Council approved the new membership rate schedule as presented by Mr. Worley and noted that the increase will go into effect on January 1, 2012.

The roll call vote was as follows:

Mr. Howard Aye

Mr. Humphreys Aye

Mr. Berry Aye

Mrs. Lowe Aye

Mayor Morgan Aye

(A copy of the revised rate schedule is attached and incorporated into and made a part of these minutes).

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2. Consideration of proposed changes and/or modifications to the Capital Improvement Plan (CIP).

Mr. Kelly, Town Manager, reported that before Council for consideration were the outlined changes and /or modifications to the Capital Improvement Plan (CIP). Mr. Kelly reported that the Council held a retreat to review the CIP in July and the recommended changes and/or modifications were a result of the CIP retreat. Mr. Kelly commented on the changes and indicated that the matter had been before the Planning Commission for consideration and was recommended to the Council for final approval.

On motion of Mr. Howard, seconded by Mrs. Lowe, the Council approved the changes and/or modifications to the Capital Improvement Plan (CIP) as presented.

The roll call vote was as follows:

Mr. Howard Aye

Mr. Humphreys Aye

Mr. Berry Aye

Mrs. Lowe Aye

Mayor Morgan Aye

(A copy of the changes and/or modifications to the Capital Improvement Plan are attached and incorporated into and made a part of these minutes).

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#### H. PASSAGE OF RESOLUTIONS - None.

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I. UNFINISHED BUSINESS

1. Consideration and approval of Mount Rogers Planning District Commission, the Cumberland Plateau and the LENOWISCO Planning District Regional Water Supply Plan.

Robbie Cornet, Director of the Washington County Service Authority came before the Council to report on the draft of the Regional Water Supply Plan as it was prepared by the Mount Rogers Planning District Commission, the Cumberland Plateau and the LENOWISCO Planning District. Mr. Cornett indicated that he had reviewed the plan and noted corrections and additions that need to be made to the document. Mr. Cornett recommended that the Council adopt the Resolution approving the plan contingent upon his noted corrections and modifications

On motion of Mr. Berry, seconded by Mrs. Lowe the Council approved the following Resolution as presented contingent upon the incorporation of the noted corrections and modifications by Robbie Cornett, Director of the Washington County Service Authority as well as the addition of language to the Resolution that the watershed areas designated within the Town of Abingdon be protected and preserved:

A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA APPROVING THE CUMBERLAND PLATEAU, LENOWISCO, AND MOUNT ROGERS REGIONAL WATER SUPPLY PLAN

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning requires all counties, cities, and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and

WHEREAS, the Town of Abingdon is a participant in the Cumberland Plateau, LENOWISCO, and Mount Rogers Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on September 6, 2011, the Town of Abingdon held a public hearing to accept public comment on the Regional Water Supply Plan; and

WHEREAS, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011;

WHEREAS, incorporated herein and attached hereto is a written notation prepared by Robbie Cornett, Director of the Washington County Service Authority that details "Findings and Corrections for the Regional Water Supply Plan" that the Council of the Town of Abingdon request Mount Rogers Planning District Commission incorporate into the document as presented; and

WHEREAS, the Council of the Town of Abingdon requests that Mount Rogers Planning District amend the Regional Water Supply Plan to include the addition of "measures to be taken for the protection and preservation of the watershed areas designated within the Town of Abingdon"; and

NOW, THEREFORE BE IT RESOLVED that the Council of the Town of Abingdon hereby adopts the Regional Water Supply Plan as it pertains to the Town of Abingdon contingent upon the above noted and attached "Findings and Corrections for the Regional Water Supply Plan" and the additional measures to be taken for the protection and preservation of the watershed areas designated within the Town of Abingdon. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The Town of Abingdon reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. The Town of Abingdon will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

BE IT FURTHER RESOLVED that the Council of the Town of Abingdon intends that the Regional Water Supply Plan shall be revised to reflect the changes in relevant data at least once every five (5) years and resubmitted to DEQ every ten (10) years in accordance with the regulation and sound planning practice.

The roll call vote was as follows:

| Mr. Howard | Aye |
|---------------|-----|
| Mr. Humphreys | Aye |
| Mr. Berry | Aye |
| Mrs. Lowe | Aye |
| Mayor Morgan | Aye |
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J. MATTERS NOT ON THE AGENDA

• Garrett Jackson, Director of Planning reported to the Council on a plan to request enhancement funds for the establishment of an Urban Pathway and Trails project. Mr. Jackson noted that a portion of the town's match for the funds could be in kind with regard to work that could be provided by town staff. Mr. Jackson further noted that this trail has the potential of starting at the Overmountain Victory Trail located at The Muster Grounds site and ending at the Coomes Recreation Center. Mr. Jackson asked the Council to adopt a resolution as presented affirming their support for the

application of the funds for the Urban Pathway and Trails project.

On motion of Mr. Berry, seconded by Mr. Humphreys, the Council adopted the following Resolution as presented:

A RESOLUTION OF THE COUNCIL OF THE TOWN OF ABINGDON, VIRGINIA SUPPORTING THE APPLICATION FOR FEDERAL ENHANCEMENTS FUNDS FOR THE ESTABLISHMENT OF THE URBAN PATH SYSTEM PROJECT WITHIN THE TOWN OF ABINGDON

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation establish an enhancement project in the Town of Abingdon, Washington County, Virginia; and

WHEREAS, the Town of Abingdon requests that the Commonwealth Transportation Board establish a project for the development of an Urban Path System which would utilize a combination of existing urban trails, pathways and sidewalks to create new trails through the use of unopened rights-of-way throughout the town and allowing a pedestrian the ability to travel safely from the Virginia Highlands Community College/Southwest Virginia Higher Education Center and proposed King School of Medicine Campuses on the west end of Abingdon to the Harry L. Coomes Recreation Center in the far northeast corner of the town; and

WHEREAS, Town of Abingdon hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project, and, if the Town of Abingdon subsequently elects to cancel this project the Town of Abingdon hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Abingdon supports the application for federal enhancement funds for the establishment of the Urban Path System Project within the Town of Abingdon and further authorizes the Town Manager to execute any and all documents required for the filing of this application.

The roll call vote was as follows:

| Mr. Howard | Aye |
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| Mr. Humphreys | Aye |
| Mr. Berry | Aye |
| Mrs. Lowe | Aye |
| Mayor Morgan | Aye |
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#### K. COUNCIL MEMBER REPORTS

• Mr. Humphreys requested that the Plum Alley Project be brought back to the appropriate board for consideration. Mr. Humphreys reported that the early morning

trash pickup that caused excessive noise had ceased for a while but had started again. Mr. Humphreys inquired if the noise ordinance needed to be adjusted.

- Mrs. Lowe inquired of the status of the grant that Chief Sullivan had reported on regarding a police officer position assigned to the Kings Mountain area of Town. Chief Sullivan reported that the grant application for an additional officer had been declined.
- Mr. Berry reported that the Plum Alley Project Mr. Humphreys inquired about was currently being considered by the Board of Architectural Review.

At this time, Dyer Moss of 167 Hill Drive, Abingdon came before the Council members to request that they address the issue of the Mountain Empire newspaper being tossed into town residents' yards and driveways. Mrs. Icenhour reported that she would address the situation as it was a matter of public safety and thanked Mr. Moss for his comments.

Vesta Andrews resident of Country Club Estates came before the Council members to report on the flooding concerns that she has experienced for some time in her neighborhood. Ms. Andrews provided a history of the damage and personal injury she has incurred as a result of the flooding issue and urged the Council members to take the steps necessary to eliminate the flooding problem affecting her home.

Mayor Morgan responded that the town had applied for funding assistance from FEMA to repair the area to prevent future flooding and had been awarded the grant but the monies had not been authorized for release to the town.

Mrs. Lowe commented on the ongoing flooding issues and inquired if a town staff member assigned previously to review the stormwater areas in town was still working on the project. Mr. Smith indicated that the project was still ongoing and was approximately 30% complete.

Sara Armbrister, a resident of Fairway Drive in Country Club Estates commented on how the flooding issues in the neighborhood had affected her property and indicated that she felt the issue was a serious safety concern. Ms. Armbrister requested that the Council take the necessary steps to eliminate the flooding problems in Country Club.

Mrs. Lowe reported that this issue was first considered by Council in 2008.

Mayor Morgan inquired if the Council members would join him on a trip to Richmond to speak with the appropriate FEMA and VDEM representatives as well as legislators regarding the status of the release of the FEMA funds so the project in Country Club could begin.

Mrs. Lowe indicated she was prepared to make a motion regarding the project. Mr. Berry indicated he would second the motion.

Mayor Morgan commented that he felt an obligation to make contact with the authorities before making a motion regarding the funds for the project.

Izik Crispin, resident, commented that he thought the issue could be addressed in the Regional Water Supply Plan considered earlier in the meeting.

Bill Andrews, a resident of Country Club Estates commented that the residents of the neighborhood had lost value in their properties because of the flooding issues. Mr. Andrews thanked Town Engineer, Jim Smith for this continual monitoring of the situation over the last several years.

Mayor Morgan thanked the residents for voicing their concerns to the Council and commented that he knew they could not solve the problem themselves. Mayor Morgan further commented that the town was committed to helping the residents and seeing the project completed.

Mrs. Lowe noted that she would support the trip to Richmond but noted that if it did not yield the results they hoped for, she would be prepared to make a motion at the November 7<sup>th</sup> Council meeting. Mrs. Lowe also noted that the Council had received a report at each work session meeting for some time from Ms. Icenhour, Town Attorney and Mr. Smith, Town Engineer regarding the Country Club matter and that the situation had been monitored on a frequent basis.

#### L. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

#### 1. Consideration of nominations for the Arthur Campbell Award

This matter was tabled until the November 7<sup>th</sup> meeting for consideration.

#### 2. Appointments to the Fields Penn Property Oversight Committee

This matter was tabled until the November 7<sup>th</sup> meeting for consideration.

#### 3. Appointment to the Tree Commission

 Consideration of appointment to the Tree Commission as term of Bob Howard has expired.

This matter was tabled until the November 7<sup>th</sup> meeting for consideration.

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- 4. Appointment to the Go Green Committee
 - Appointment of Kevin Costello, Director of Tourism to the Go Green Committee

On motion of Mr. Humphreys, seconded by Mr. Berry, the Council appointed Kevin Costello to the town's Go Green Committee.

The roll call vote was as follows:

Mr. Howard Aye
Mr. Humphreys Aye
Mr. Berry Aye
Mrs. Lowe Aye
Mayor Morgan Aye

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- 5. Appointment to the Historic Properties Committee
  - Appointment of Kevin Costello, Director of Tourism to the Historic Properties Committee

On motion of Mr. Berry, seconded by Mr. Humphreys, the Council appointed Kevin Costello to the Historic Properties Committee.

The roll call vote was as follows:

Mr. Howard Aye
Mr. Humphreys Aye
Mr. Berry Aye
Mrs. Lowe Aye
Mayor Morgan Aye

6. Appointment to the Virginia Highlands Small Business Incubator Board

• Consideration of appointment to replace Carl Mallory who has resigned from the Board.

This matter was tabled until the November 7<sup>th</sup> meeting for consideration.

At this time, Kevin Costello, Director of Tourism provided the Council with information regarding the upcoming train excursion from Roanoke to Bristol the weekend of November 5<sup>th</sup>.

Susan Howard, Director of Advance Abingdon commented on the upcoming wolf project involving the painting of smaller wolf structures. The small wolves will be called "Little Howlers".

Mayor Morgan declared the meeting adjourned.

Edward B. Morgan, Mayor

Cecile M. Rosenbaum, Town Clerk